

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION

Filed at 3:45 P M
Oct. 23, 2007
E. Long
DEPUTY CLERK, U.S. DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA

SCARLET REYNA and
MARIA ORTEGA,

Plaintiffs

-vs-

CASE NO.: 3:04-CV-039 (CDL)

CONAGRA FOODS, INC. and
PILGRIM'S PRIDE CORPORATION
OF DELAWARE, Inc. as
Successor-in-Interest to
CONAGRA POULTRY COMPANY,

Defendants.

VERDICT FORM AND
SPECIAL INTERROGATORIES TO THE JURY

SECTION I

RACE AND/OR NATIONAL ORIGIN HOSTILE WORK ENVIRONMENT CLAIMS

Do you find from a preponderance of the evidence:

A. With regard to Plaintiff Reyna:

1. That Plaintiff Reyna was subjected to a hostile or abusive work environment because of her race and/or national origin?

Answer Yes or No

yes

2. That such hostile or abusive work environment was created and/or permitted by a supervisor with immediate or successively higher authority over the Plaintiff?

Answer Yes or No

Yes

3. That Plaintiff Reyna suffered damages as a proximate or legal result of such hostile or abusive work environment?

Answer Yes or No

Yes

Note: If you answered No to any one of the preceding three questions, you need not answer the remaining questions in this sub-section and should go to sub-section B.

4. That the Defendants exercised reasonable care to prevent and correct promptly any racially harassing behavior in the workplace?

Answer Yes or No

No

5. That Plaintiff unreasonably failed to take advantage of any preventive or corrective opportunities provided by the Defendants to avoid or correct the harm?

Answer Yes or No

No

Note: If you answer “yes” to both of the preceding two questions, you should skip the remaining questions in this sub-section and go to sub-section B.

6. That Plaintiff Reyna should be awarded damages to compensate for emotional pain and mental anguish?

Answer Yes or No yes

7. If you have awarded damages in the preceding question, do you find that punitive damages should be assessed against Defendants based upon Defendants’ malice or reckless indifference to the Plaintiff’s federally protected rights?

Answer Yes or No No

B. With regard to Plaintiff Ortega:

1. That Plaintiff Ortega was subjected to a hostile or abusive work environment because of her race and/or national origin?

Answer Yes or No Yes

2. That such hostile or abusive work environment was created and/or permitted by a supervisor with immediate or successively higher authority over the Plaintiff?

Answer Yes or No Yes

3. That Plaintiff Ortega suffered damages as a proximate or legal result of such hostile or abusive work environment?

Answer Yes or No Yes

Note: If you answered No to any one of the preceding three questions, you need not answer the remaining questions in this section and should go to Section II.

4. That the Defendants exercised reasonable care to prevent and correct promptly any racially harassing behavior in the workplace?

Answer Yes or No No

5. That Plaintiff unreasonably failed to take advantage of any preventive or corrective opportunities provided by the Defendant to avoid or correct the harm?

Answer Yes or No

No

Note: If you answer “yes” to both of the preceding two questions, you should skip the following questions in this sub-section and go to Section II.

6. That Plaintiff Ortega should be awarded damages to compensate for emotional pain and mental anguish?

Answer Yes or No

Yes

7. If you have awarded damages in the preceding question, do you find that punitive damages should be assessed against Defendants based upon Defendants’ malice or reckless indifference to the Plaintiff’s federally protected rights?

Answer Yes or No

No

SECTION II

CLAIMS OF RETALIATION FOR COMPLAINTS OF RACE AND/OR NATIONAL ORIGIN

DISCRIMINATION

Do you find from a preponderance of the evidence:

A. With regard to Plaintiff Reyna:

1. That a substantial motivating factor in Plaintiff Reyna's termination was her complaints of race and/or national origin discrimination?

Answer Yes or No

Yes

Note: If you answered No to the preceding question, you need not answer the remaining questions in this sub-section and should go to sub-section B.

2. That Defendants proved they would have taken the same adverse personnel action – that is, terminated – Plaintiff Reyna despite her complaints?

Answer Yes or No

No

Note: If you answered Yes to the preceding question, you need not answer the remaining questions in this sub-section and should go to sub-section B.

3. That Plaintiff Reyna should be awarded damages to compensate for a net loss of wages and benefits to the date of trial?

Answer Yes or No yes

4. That Plaintiff Reyna should be awarded damages to compensate for emotional pain and mental anguish?

Answer Yes or No yes

5. That punitive damages should be assessed against Defendants based upon Defendants' malice or reckless indifference to the Plaintiff's federally protected rights?

Answer Yes or No yes

B. With regard to Plaintiff Ortega:

1. That a substantial motivating factor in Plaintiff Ortega's termination was her complaints of race and/or national origin discrimination?

Answer Yes or No

Yes

Note: If you answered No to the preceding question, you need not answer the remaining questions in this section and should go to Section III.

2. That Defendants proved they would have taken the same adverse personnel action – that is, terminated – Plaintiff Ortega despite her complaints?

Answer Yes or No

No

Note: If you answered Yes to the preceding question, you need not answer the remaining questions in this section and should go to Section III.

3. That Plaintiff Ortega should be awarded damages to compensate for a net loss of wages and benefits to the date of trial?

Answer Yes or No

Yes

4. That Plaintiff Ortega should be awarded damages to compensate for emotional pain and mental anguish?

Answer Yes or No

Yes

5. That punitive damages should be assessed against Defendants based upon Defendants' malice or reckless indifference to the Plaintiff's federally protected rights?

Answer Yes or No

Yes

SECTION III

CLAIMS OF RETALIATION FOR COMPLAINTS OF AGE DISCRIMINATION AND/OR

OVERTIME VIOLATIONS

Do you find from a preponderance of the evidence:

A. With regard to Plaintiff Reyna:

1. That a substantial or motivating factor in Plaintiff Reyna's termination was her complaints of age discrimination and/or overtime violations?

Answer Yes or No

Yes

Note: If you answered No to the preceding question, you need not answer the remaining questions in this sub-section and should go to sub-section B.

If your answer is yes, state whether the factor was:

Complaints of age discrimination

No

Complaints of overtime discrimination

yes

Or both

2. That Defendants proved they would have taken the same adverse personnel action – that is terminated – Plaintiff Reyna despite her complaints?

Answer Yes or No

No

Note: If you answered Yes to the preceding question, you need not answer the remaining questions in this sub-section and should go to sub-section B.

3. That Plaintiff Reyna should be awarded damages to compensate for a net loss of wages and benefits to the date of trial?

Answer Yes or No Yes

4. That a Defendant knew or showed reckless disregard for whether its conduct was prohibited by law?

Answer Yes or No Yes

B. With regard to Plaintiff Ortega:

1. That a substantial or motivating factor in Plaintiff Ortega's termination was her complaints of age discrimination and/or overtime violations?

Answer Yes or No

Yes

Note: If you answered No to the preceding question, you need not answer the remaining questions in this section and should go to Section IV.

If your answer is yes, state whether the factor was:

Complaints of age discrimination

No

Complaints of overtime discrimination

Yes

Or both

2. That Defendants proved they would have taken the same adverse personnel action – that is terminated – Plaintiff Ortega despite her complaints?

Answer Yes or No

No

Note: If you answered Yes to the preceding question, you need not answer the remaining questions in this section and should go to section IV.

3. That Plaintiff Ortega should be awarded damages to compensate for a net loss of wages and benefits to the date of trial?

Answer Yes or No Yes

4. That a Defendant knew or showed reckless disregard for whether its conduct was prohibited by law?

Answer Yes or No Yes

SECTION IV

CLAIMS OF RETALIATION FOR COMPLAINTS OF FRAUD IN VIOLATION OF THE

SARBANES-OXLEY ACT

Do you find from a preponderance of the evidence:

A. With Regard to Plaintiff Reyna:

1. That Plaintiff Reyna reported practices which she reasonably believed constituted mail or wire fraud in violation of federal law?

Answer Yes or No Yes

2. That Defendants knew of these reports?

Answer Yes or No Yes

3. That Plaintiff Reyna's reports were a contributing factor in her termination?

Answer Yes or No Yes

Do you find by *clear and convincing* evidence:

4. That Defendants would have taken the same adverse personnel action – that is, terminated – Plaintiff Reyna despite her reports of fraud?

Answer Yes or No No

Note: If you answered Yes to the preceding question, you need not answer the remaining questions in this sub-section and should go to sub-section B.

Do you find from a preponderance of the evidence:

6. That Plaintiff Reyna should be awarded damages to
compensate for a net loss of wages and benefits to the date of trial?

Answer Yes or No Yes

B. With regard to Plaintiff Ortega:

1. That Plaintiff Ortega reported practices which she reasonably believed constituted mail or wire fraud in violation of federal law?

Answer Yes or No Yes

2. That Defendants knew of these reports?

Answer Yes or No Yes

3. That Plaintiff Ortega's reports were a contributing factor in her termination?

Answer Yes or No Yes

Do you find by *clear and convincing* evidence:

5. That Defendants would have taken the same adverse personnel action – that is, terminated – Plaintiff Ortega despite her reports of fraud?

Answer Yes or No No

Note: If you answered Yes to the preceding question, you need not answer the remaining questions in this section and should go to Section V.

Do you find from a preponderance of the evidence:

6. That Plaintiff Ortega should be awarded damages to
compensate for a net loss of wages and benefits to the date of trial?

Answer Yes or No

yes

SECTION V

DAMAGES

A. Compensatory Damages

1. Emotional Pain and Mental Anguish

- a. If you answered "yes" to questions I(A)(6) or II(A)(4), what amount of damages for emotional pain and mental anguish do you award to Plaintiff Scarlet Reyna?

\$ 22,500

- b. If you answered "yes" to questions I(B)(6) or II(B)(4) what amount of damages for emotional pain and mental anguish do you award to Plaintiff Maria Ortega?

\$ 22,500

2. Lost Wages and Benefits

- a. If you answered "yes" to questions II(A)(3), III(A)(3), or IV(A)(6), what amount of damages for lost wages and benefits do you award to Plaintiff Scarlet Reyna?

\$ 73,059.⁹³

- b. If you answered "yes" to questions II(B)(3), III(B)(3), or IV(B)(6), what amount of damages for lost wages and benefits do you award to Plaintiff Maria Ortega?

\$ ~~21,871.17~~ 21,871.17 ⁵⁰

B. Punitive Damages

If you have answered "yes" to question I(A)(7), I(B)(7), II(A)(5), or II(B)(5) indicating that punitive damages should be assessed against Defendants, what amount do you find should be assessed against Defendants as punitive damages:

\$ 275,000.00

SO SAY WE ALL

This 23rd day of October, 2007.

Jury Foreperson